

15 AUG 1978

MEMORANDUM FOR: Chief, Plans and Programs Staff, OL

FROM:

[REDACTED]
Chief, Real Estate and Construction
Division, OL

SUBJECT: Review of S. 2525 (8 August 1978 Version)

REFERENCE: Mult Adse Memo dtd 8 Aug 78 fm [REDACTED]
Assistant General Counsel, Subject: S. 2525 -
Proposed Intelligence Charter Legislation -
Title IV, CIA - Revision (OGC 78-5221)

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1. During the very few hours provided us for a review of this latest revision to S. 2525, our review was necessarily limited to those sections directly impacting upon the Division. There is, therefore, little to be said since the section of most interest to the Division has been eliminated in this version of the Bill.

2. Previous editions of Title IV to S. 2525 have, in subparagraph (5) of Section 421, authorized the rental of premises within and without the U.S. and exempted the Agency from certain provisions of the National Economy Act and the Public Buildings Act. The Division, in previous comments (see particularly our 19 June 1978 memo to C/L&PLD, same subject) contained comments on how the wording of this section could be improved. Now we discover that the authority has been eliminated in its entirety.

3. The current statute under which we operate (CIA Act of 1949) contains provisions authorizing the alteration, repair, and improvement to premises rented by the Agency (Section 5(e)) and, notwithstanding any other provisions of law, the expenditure of funds for "rent at the seat of Government and elsewhere" (Section 8(a)(1)). Although a number of administrative constraints have been placed on Agency operations since 1949, these sections have continued to provide the basic authority for a number of programs, not the least of which is our safehouse operation. Since we are now forced to conduct our operations in a proscribed fashion; i.e., if it is not expressly authorized in the statute, it cannot be undertaken, it would appear that what little flexibility we now have will disappear if S. 2525, in this version, becomes law.

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4. I can only add that from RECD's standpoint, this version of the Bill is a regression when compared to past versions and when compared to our current charter, is a retreat of significant proportions. Short of establishing a proprietary, there appears to be no way to continue the safehouse operation and passage of this version would put us totally at the mercy of GSA for alterations and repairs to Government-leased/owned buildings. In short, if we can negotiate inclusion of a paragraph authorizing Government transportation from home to work for the Director of the Agency, Director of National Intelligence, and their "officers and employees," we should, at a minimum, insist that subparagraph (5) of Section 421, which appeared in previous editions of this Bill be reinstated.

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cc: C/L&PLD

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